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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,394	10/15/2004	Sung Hec Ahn	DKC 1560	2089

7590 03/15/2006
Maria Parrish Tungol
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EXAMINER

SZEKELY, PETER A

ART UNIT PAPER NUMBER

1714

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,394

Applicant(s)

AHN ET AL.

Examiner

Peter Szekely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Since the certified English translation has not been submitted, the effective priority date of the instant application is 4/14/04.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 9-13, 15, 16 and 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Jang et al. 6,716,900 or Hong et al. 6,838,497.
4. Both references disclose styrenic resin, PPE, ABS having an acrylonitrile content of 5-18% by weight and phosphoric acid esters in claim 1. The concentrations overlap applicants' claimed ranges. Applicants' claims are not novel.
5. Claims 9-12, 15, 16 and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohzeki 4,966,814, with Imashi et al. 6,130,282 and Kishimoto Sangyo Co. JP-06-128413 used as evidence.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 9-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohzeki 4,966,814, in view of Trementozi 4,360,618, with Imashi et al. 6,130,282 and Kishimoto Sangyo Co. JP-06-128413 used as evidence.

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8. Both Ohzeki and Tremontozzi have been discussed previously. Ohzeki states in column 9, lines 39-45 that red phosphorus coated with a thermosetting resin or an inorganic material is preferred from the viewpoint of safety. The Abstract of Kishimoto states that by coating the red phosphorus with thermosetting resin and ZnS the red color can be eliminated. Imashi et al. show in column 6, lines 30-36 that coated red phosphorus rarely generates phosphine gas when heated. Since the harmful effects of red phosphorus can be eliminated by the preferred composition of Ohzeki, the limitation "consisting essentially of" does not exclude the presence red phosphorus. The rejection is maintained.

9. Claims 9-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohzeki 4,966,814, in view of Tremontozzi 4,360,618, further in view of Hachiya et al. 6,107,440.

10. Ohzeki and Tremontozzi have been described previously. Hachiya et al. relate in column 30, lines 37-56, that in ABS the particle size of the rubber preferably should be between 0.25 and 0.45 microns for optimum impact strength and luster. It would have been obvious to one having ordinary skill in the art; at the time the invention was made, to use the ABS of Hachiya et al. in the composition of Ohzeki as modified by Tremontozzi.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter Szekely
Primary Examiner
Art Unit 1714

P.S.
3/8/06